

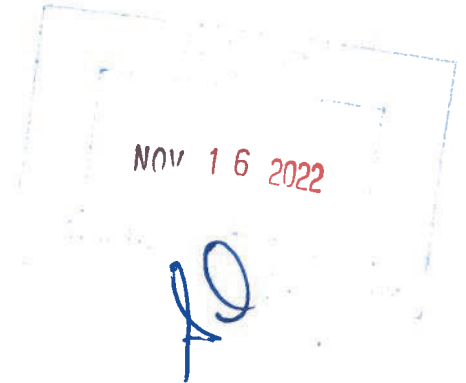
Kelvin A Lashley

4 Donny Brook Way

Collegeville, PA 19426

215-802-8396 Cell

Email: kelvin@plis1.com



RE: Bankruptcy No 22-12284-ELF

Concerning the current **Order to Dismiss**

November 15, 2022

Dear Standing Trustee Kenneth E West.

I am writing you to today in great distress concerning this order to dismiss my case.

The reason given in the letter for the dismissal order is

"Debtor(s) has/have failed to commence or continue making payments to the Trustee as required by 11 U.S.C. Section 1326"

I am asking that my case be NOT DISMISSED on the grounds that I have made payments that to this day have not been applied to my account with the Trustee. This would be the second time that my case will be dismissed due to Lack of payment and will put me in serious jeopardy of losing my home.

The first case (**NO: 22-10804**) I made a payment of **\$7,458.58** (This sum was 2 payments at the same time because I did not have the payment information and could not reach my Attorney in a timely fashion) However, according to my Attorney, The Trustee did not see my payment and the case was dismissed. A refund Check was sent to my Attorney and a copy of it was sent to me. I have attached a copy of the copy of the check that was returned, for **\$6,861.89**.

My Attorney stated that his office moved and that he did not receive the check and that money should be back at the trustee's office. After doing the refile, I was told that the **\$6,861.89** should be in my Trustee's account to cover at least my first few payments, depending on what the monthly payment would be. According to my current plan information, my monthly payment is **\$1,650.00**. Therefore, the previous payment should be able to cover 4 monthly payments.

I have also set up automatic payments of **\$300.00 Bi-Weekly** just to make sure that the payments are processing correctly. I have attached a copy of a Pending payment from the TFS website showing one pending payment for November 14th. It also has record of the June 21st Payment for **\$7,458.58**

I do not know where this payment amount of **\$6,861.59** is, and how to get it applied to my account.

Additionally, I had a Secured Credit Card account with **Open Sky, A Capital Bank Company**.

After the filing, they closed the account and said that would refund the remaining **\$666.00** after things were processed. I have waited months and money did not arrive. When I called them, they told me that the balance was sent to the Bankruptcy Trustee. But the name that they gave was Kenneth E West, and they could not give me Specific information about where the check was sent to. I assume that if the refund check was sent to your office in my name, it should show up somewhere in my account with you. So that is still unresolved currently.

I have made multiple, multiple attempts to reach my attorney concerning these things and have been unsuccessful.

His Cell Phone number which has been our primary way of contact **(215-272-3015)**, according to the message from Verizon, is **NO LONGER IN SERVICE**. The Office Phone number goes to a Voice message. And it has been many months since a secretary has answered to hear my concerns. I am not sure what the situation is, but I am not at peace with these things not being addressed.

Ms. Wilson, *(I am sorry if I am not addressing you properly, I don't know if Its Ms. or Mrs.).*

PLEASE HELP ME RESOLVE THIS. PLEASE!!

I DO NOT want to lose my home due to some misplaced payments that I have made.

Please help me.

I have already resumed making payments to the primary mortgage holder of the property in Jeopardy **SPS**, in accordance with my mortgage agreement. I have paid **\$10,050.82** I have also been making my Automobile payment and other payments. I am working Overtime Day and night shifts to catch up, so I need dependable transportation.

I am a registered Nurse, working in Philadelphia, and I got into this situation due to several factors. **COVID** was one of them. And that is what put me deeper in the hole. My wife who is also a nurse got it first and was very sick. She has some Chronic respiratory conditions previously. Then I Contracted it, then also my daughter, Son-in-Law and Granddaughter who was 8 months old at the time. That Scared me the most. That was Pre- Vaccine days. I am now vaccinated, boosted, and working very hard to get my finances back in order. I am an Honorably discharged US Army Veteran (13 years of Service) and trying to work hard and pay off my debts. Please help me.

I can be reached at the above cell phone and email. And I look forward to your response.

Thank You in Advance.

Sincerely,

Public Servant,

Kelvin A Lashley

Kelvin A Lashley

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Chapter 13

Bankruptcy No. 22-12284-ELF

KELVIN A LASHLEY

4 DONNY BROOK WAY

COLLEGEVILLE, PA 19426

Debtor

CERTIFICATE OF SERVICE

AND NOW, comes Kenneth E. West, Esquire, Chapter 13 standing trustee, and certifies that he served the attached Motion to Dismiss on the following parties as indicated below:

Debtor(s), at the address listed, by first class mail.

KELVIN A LASHLEY

4 DONNY BROOK WAY

COLLEGEVILLE, PA 19426

Counsel for debtor(s), by electronic notice only.

ALEXANDER G TUTTLE

TUTTLE LEGAL

2303 N. BROAD ST STE 2

COLMAR, PA 18915-

/S/ Kenneth E. West

Date: 11/8/2022

Kenneth E. West, Esquire
Chapter 13 Standing Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
KELVIN A LASHLEY

Chapter 13

Debtor

Bankruptcy No. 22-12284-ELF

ORDER

AND NOW, this _____ day of _____, 202_, upon consideration of the Motion to Dismiss Case filed by Kenneth E. West, Standing Trustee, and after notice and hearing, it is hereby **ORDERED** that this case is **DISMISSED** and that any wage orders previously entered are **VACATED**.

IT IS FURTHER ORDERED that any undisbursed funds held by the Chapter 13 Trustee from payments made on account of the Debtor's plan shall be refunded to the Debtor unless a party in interest files a Motion for Alternative Disbursement within 21 days of the entry of this Order.

Honorable Eric L. Frank
Bankruptcy Judge

Kenneth E. West, Trustee
P.O. Box 40837
Philadelphia, PA 19107

Debtor's Attorney:
ALEXANDER G TUTTLE
TUTTLE LEGAL
2303 N. BROAD ST STE 2
COLMAR, PA 18915-

Debtor:
KELVIN A LASHLEY

4 DONNY BROOK WAY

COLLEGEVILLE, PA 19426

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re:

KELVIN A LASHLEY

Chapter 13

Debtor

Bankruptcy No. 22-12284-ELF

CHAPTER 13 STANDING TRUSTEE'S MOTION FOR DISMISSAL

AND NOW comes, Kenneth E. West, Esquire, Chapter 13 standing trustee, and requests that the above-captioned bankruptcy case be dismissed for the following reason(s):

Debtor(s) has/have failed to commence or continue making timely payments to the trustee as required by 11 U.S.C. Section 1326.

The hearing scheduled by the filing of this motion may be adjourned from time to time without further notice to interested parties by announcement of such adjournment in Court on the date scheduled for the hearing.

The standing trustee consents to the entry of a final order or judgment by the Court if it is determined that the Court, absent consent of the parties, cannot enter a final order or judgment consistent with Article III of the United States Constitution.

WHEREFORE, Kenneth E. West, Esquire, Chapter 13 standing trustee, respectfully requests that Court, after a hearing, enter an Order in the form annexed hereto, dismissing this bankruptcy case.

Respectfully submitted,

/s/ Kenneth E. West

Kenneth E. West, Esquire
Chapter 13 Standing Trustee
P.O. Box 40837
Philadelphia, PA 19107
Telephone: (215)627-1377

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: **KELVIN A LASHLEY**

Chapter 13

Debtor

Bankruptcy No. 22-12284-ELF

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NOTICE OF MOTION, RESPONSE, DEADLINE AND HEARING DATE

Kenneth E. West, chapter 13 standing trustee, has filed a Trustee's Motion to Dismiss with the court for the purpose of dismissing this Chapter 13 bankruptcy case for the reason(s) stated in the enclosed motion.

1. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)
2. **If you do not want the Court to grant the relief sought in the Motion**, or if you want the Court to consider your views on the Motion, then on or before **11/22/2022**, you or your attorney must file a response to the Motion. (*see Instructions on next page*).
3. A hearing on the Motion is scheduled to be held on **12/12/2022 11:00:00 AM in Courtroom #1 at U.S. Bankruptcy Court, Philadelphia 900 Market St.** Unless the court orders otherwise, the hearing on this contested matter will be an **evidentiary hearing**.
4. **If you do not file a response to the Motion**, the court may cancel the hearing and enter an order granting the relief requested in the Motion.
5. You may contact the Bankruptcy Clerk's office at 215-408-2800 to find out whether the hearing has been canceled because no one filed a response.
6. If a copy of the motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from the attorney whose name and address is listed on the next page of this Notice.

Filing Instructions

7. **If you are required to file documents electronically by Local Bankruptcy Rule 5005-1, you must file your response electronically.**
8. **If you are not required to file electronically, you must file your response at**

U.S. Bankruptcy Court
900 Market St., Suite 400
Philadelphia, PA 19107

9. **If you mail your response to the bankruptcy clerk's office for filing, you must mail it early enough to that it will be received on or before the date stated in Paragraph 2 on the previous page of this Notice.**
10. **On the same day that you file or mail your Response to the Motion, you must mail or deliver a copy of the Response to the movant's attorney:**

Kenneth E. West, Esquire
P.O. Box 40837
Philadelphia, PA 19107
Telephone: (215) 627-1377
Facsimile: (215) 627-6299
Email: MDC@ph13trustee.com

Date: 11/8/2022

Kenneth E. West
Chapter 13 Standing Trustee
P.O. Box 40837
Philadelphia, PA 19107

SunTrust Bank
Knoxville, TN

No. 3013027

87-78
811

July 12, 2022

PAY** Six Thousand Eight Hundred Sixty One Dollars and 89 Cents*****
TO THE ORDER OF

AMOUNT *****\$6,861.89*****
VOID AFTER October 10, 2022

KELVIN A LASHLEY
c/o ALEXANDER G TUTTLE
TUTTLE LEGAL
COLMAR, PA 18915-

Kenneth E. West



⑈3013027⑈ ⑆061100790⑆ 8800658539⑈

Kenneth E. West, Chapter 13 Standing Trustee

Check No. 3013027

Pay to: KELVIN A LASHLEY

Please notify the Court & us of any changes made after filing of your claim (ex. account number, address, claim assignment, etc.)

Case No.	Clin	Debtor Name	Account No.	Balance	Principal Pmt	Interest Pmt	Total
22-10804-ELF	999-0	KELVIN A LASHLEY		0.00	6,861.89	0.00	6,861.89

PLEASE SEE IMPORTANT INFORMATION BELOW

Dear Counsel,

Enclosed is the debtor(s) refund check. Kindly arrange to forward the funds to the appropriate party in accordance with your responsibilities set forth in the Pennsylvania Rules of Professional Conduct.

Kenneth E. West
Standing Chapter 13 Trustee

*This Refund Check is currently
unaccounted for.*